

wherein said designated triggering event is selected from the group consisting of receipt of an incoming information update and receipt of an advertising message from a merchant.

REMARKS

A. The §103 Rejections of Claims 1-17 and 19-48

Claims 1-17 and 19-48 were rejected under 35 U.S.C. §103(a) based on Anvekar et al., U.S. Patent Publication No. 2002-0068610 (“Anvekar”) and Wang et al, U.S. Patent No. 5,757,929 (“Wang”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Neither Ankevar nor Wang, taken separately or in combination, disclose or suggest the selection of an audio signal that has been overlaid on another audio signal and the output of such a signal to a headset as in claims 1-17 and 19-48.

For example, the Examiner admits that Anvekar does not disclose the output of one audio signal overlaid on another. To make up for this deficiency the Examiner relies on Wang.

Though Wang appears to disclose the overlay of one audio signal on another, such an overlaid audio signal is not output to a headset. Instead, it is output from a garment that is worn by a user. In fact, Wang explicitly states that a headset is not used at all.

Accordingly, Applicants submit that the subject matter of claims 4, 5, 7-10, 13-17, 19-23, 38, 41, 42, 45 and 46 (the other claims have been cancelled) would not have been obvious to one of ordinary skill in the art upon reading the disclosure of Anvekar taken separately, or in

combination, with Wang. Applicants respectfully request withdrawal of the rejections and allowance of claims 4, 5, 7-10, 13-17, 19-23, 38, 41, 42, 45 and 46.

B. The §103 Rejection of Claims 18, 49 and 50

Claims 18, 49 and 50 were rejected under 35 U.S.C. §103(a) based on Anvekar in combination with Wang and Lowe et al, U.S. Patent No. 6,298,218 (“Lowe”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants respectfully point out that claim 49 has been cancelled. Further, Applicants note that claim 18 depends on independent claim 50 which contains the feature of the selection of an audio signal that has been overlaid on another audio signal and the output of such a signal to a headset discussed above. Applicants respectfully submit that the subject matter of claims 18 and 50 would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Anvekar taken separately or in combination with Wang and Lowe for the reasons stated earlier above and because Lowe does not make up for the deficiencies of Anvekar and Wang.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 18 and 50.

C. Entry of Amendment After Final (“AAF”)

Entry of this AAF is solicited because the AAF: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or consideration; (c) does not present any additional claims without canceling the

corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

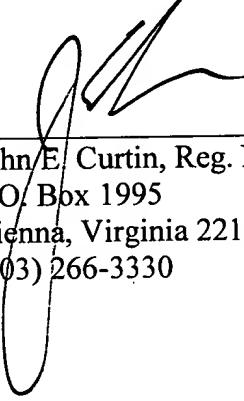
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By _____


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